

## **REMARKS**

In the Office Action, claims 1-20 were pending and rejected. In this response, claims 1-20 have been amended. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Figures 1 and 2A-2B were objected. A replacement sheets for these figures have been submitted herein. The legends of these figures have been marked as prior art. Formal drawings will be submitted when the present application is in condition of allowance.

Figures 3-5 were objected because certain reference numbers were not mentioned in the specification. In view of the foregoing amendments to the specification, it is respectfully submitted that the objections have been overcome.

Claims 3-6, 8-9, 13, 15, and 17 were rejected under 35 U.S.C. 112, first and second paragraphs. Although Applicant respectfully disagrees with the Office Action and believes that the limitations were definite and fully supported throughout the specification; nevertheless, these claims have been amended and the amendments are fully supported by the specification, such as, for example, Figures 3-5 and their corresponding description of the present application.

Claims 1-2 were rejected under the obviousness double patenting rejection in view of U.S. Patent No. 7,168,051 (the '051 patent). In view of the foregoing amendments, it is respectfully submitted that the rejection is moot since the limitations of the amended claims 1-2 and those recited in the '051 patent are significantly different. Specifically, the allowed claims of the '051 patent do not include the limitations of accessing a registry server over the Internet to download additional 3D graphical objects to be used in the 3D desktop, where the registry server is associated with a community having a plurality of members, and the registry server is configured to maintain 3D graphical objects, including the downloaded 3D

graphical object, used by the plurality of members including software updates to the 3D desktop.

The allowed claims of the '051 patent also do not include the limitations of storing the downloaded 3D graphical objects in a repository within the computer system, where the repository is configured to store all graphical objects used by the 3D desktop, including graphical objects downloaded over the Internet, updates from the registry server, and user defined objects defined locally by a user of the computer system. If the Office Action insists on the same rejection, a terminal disclaimer will be submitted when the present application is in condition of allowance.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,088,032 of Mackinlay ("Mackinlay"). In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes limitations that are not disclosed by the cited references, individually or in combination.

Specifically, for example, independent claim 1 as amended recites as follows:

1. A computer-implemented method comprising:
  - downloading a 3D (three dimensional) environment development program to a computer system from a Web server over the Internet;
  - executing the 3D development program within the computer system to convert a 2D (two dimensional) desktop environment of the computer system into a 3D computing environment, including installing an interpreter within an operating system of the computer system;
  - providing the 3D computing environment representing a 3D desktop of a computer system in a 3D environment which is presented as a 3D desktop in a 3D room environment, wherein one or more icons of the 2D desktop environment are spatially displayed on multiple surfaces of the 3D room environment;
  - receiving a two-dimensional application program;  
the interpreter dynamically converting the two-dimensional application program to a form useable in the three-dimensional computing environment;
  - presenting content of the converted application program within the 3D computing environment to allow a user of the computer system to

navigate the content of the application program within the 3D computing environment;  
accessing a registry server over the Internet to download additional 3D graphical objects to be used in the 3D desktop, wherein the registry server is associated with an community having a plurality of members, and wherein the registry server is configured to maintain 3D graphical objects, including the downloaded 3D graphical object, used by the plurality of members including software updates to the 3D desktop;  
storing the downloaded 3D graphical objects in a repository within the computer system, wherein the repository is configured to store all graphical objects used by the 3D desktop, including graphical objects downloaded over the Internet, updates from the registry server, and user defined objects defined locally by a user of the computer system.

(Emphasis added)

Thus, independent claim 1 includes limitations of downloading a 3D desktop environment to be installed on the top of an existing 2D desktop of an operating system in a computer system, including installing an interpreter within the system. As a result, anything that is originally displayed as a 2D object can now be displayed as a 3D object dynamically using the interpreter. Further, independent claim 1 requires accessing a registry server to download further 3D graphical objects to be used in the 3D desktop and all of the objects used by the 3D desktop are stored in a repository within the local computer system. It is respectfully submitted that these limitations are not disclosed or suggested by the cited references.

Although Mackinlay discloses a 3D document workspace, such a workspace is not the same as a 3D desktop environment that interfaces the operating system of a computer system and a user. Mackinlay's document workspace is a specific application installed to manipulate certain documents in a 3D way. It does not convert or replace the existing desktop of an operating system as required by claim 1 of the present application.

Even if, for the sake of argument, Mackinlay's document workspace may be considered as a desktop, Mackinlay's document workspace is not downloaded from a Web server, particularly, to convert or replace the existing desktop as part of the operating system.

The Office Action contended that it is obvious to download software from a Web server to be installed in a computer (see e.g., 8/23/2007 Office Action, p. 11). However, that was not disclosed or suggested anywhere in Mackinlay, particularly, for downloading a 3D desktop to be installed on the top of an existing desktop of an operating system in a computer system. In fact, there is no mention within Mackinlay that the 3D document workspace is downloaded from a Web server to replace or convert an existing 2D desktop. It would be impermissible hindsight to use Applicant's own disclosure against the Applicant. Gallo also fails to disclose the limitations set forth above.

Further, although Mackinlay discloses interpreting a Web page from a 2D Web page to a 3D Web page, there is no disclosure within Mackinlay of an interpreter that dynamically converting any 2D data into 3D data, where the interpreter is downloaded from a Web server and installed onto the local computer. The Office Action alleged that this limitation is obvious without providing specific support that without the hindsight from the present application, how Mackinlay renders the present invention as claimed obvious.

The Office Action further presented a CNET article that only discloses Web download techniques; however, there is no disclosure within the CNET article regarding downloading 3D program to convert the existing 2D desktop into a 3D desktop including an interpreter that dynamically converts any 2D data into 3D data presentable in the 3D desktop.

It is respectfully submitted that the present invention as claimed is not about downloading software from a Web. Rather, the present invention as claimed is about downloading software application from a Web to render an existing 2D desktop into a 3D

desktop, including an interpreter to dynamically convert any 2D data into 3D data to be presented in the 3D desktop.

Furthermore, it is respectfully submitted that Mackinlay fails to disclose or suggest the limitations of the amended claims 1-2 and those recited in the '051 patent are significantly different. Specifically, the allowed claims of the '051 patent do not include the limitations of accessing a registry server over the Internet to download additional 3D graphical objects to be used in the 3D desktop, where the registry server is associated with a community having a plurality of members, and the registry server is configured to maintain 3D graphical objects, including the downloaded 3D graphical object, used by the plurality of members including software updates to the 3D desktop.

Mackinlay also fails to disclose or suggest the limitations of storing the downloaded 3D graphical objects in a repository within the computer system, where the repository is configured to store all graphical objects used by the 3D desktop, including graphical objects downloaded over the Internet, updates from the registry server, and user defined objects defined locally by a user of the computer system. If the Office Action insists on the same rejection, a terminal disclaimer will be submitted when the present application is in condition of allowance.

In order to anticipate a claim or render a claim obvious, each and every limitation of the claim must be taught by the cited references, individually or in combination. It is respectfully submitted that Mackinlay fails to disclose or suggest the limitations set forth above. Therefore, independent claim 1 as amended is patentable over Mackinlay and other cited references.

It is respectfully submitted that Mackinlay also fails to disclose or render obvious the limitations set forth in claims 3-20 as amended, particularly, the specific components and structure of the system.

Similarly, independent claim 2 includes limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, it is respectfully submitted that claim 2 is patentable over the cited references. Given that the rest of the claims depend from one of the above independent claims, for reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are also patentable over the cited references. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: December 13, 2007

/Kevin G. Shao/  
Kevin G. Shao  
Attorney for Applicant  
Reg. No. 45,095  
Kevin\_Shao@bstz.com

1279 Oakmead Parkway  
Sunnyvale, California 94085-4040  
(408) 720-8300